

ceived by such payments shall be due and fixing the time for the filing and for penalties for failure to pay said tax when due; allocating said revenue to Public School Fund and for the payment of Old Age Assistance; prescribing a savings clause; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

### ADJOURNMENT

On motion of Mr. McCalla, the House at 12:30 o'clock p. m., adjourned until 10 o'clock a. m., next Monday, October 5.

### SIXTH DAY

(Monday, October 5, 1936.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Dunlap of Kleberg
Adamson	England
Aikin	Fain
Adkins	Farmer
Alexander	Fisher
Alsup	Ford
Ash	Fox
Atchison	Frazer
Bergman	Fuchs
Bradbury	Gibson
Bradford	Glass
Bridgers	Good
Broadfoot	Gray
Broyles	Greathouse
Burton	Hankamer
Butler of Brazos	Hanna
Butler of Karnes	Hardin
Cagle	Harper
Calvert	Harris of Archer
Canon	Harris of Dallas
Celaya	Hartzog
Collins	Head
Colquitt	Herzik
Colson	Hill
Cowley	Hodges
Craddock	Hofheinz
Crossley	Holland
Daniel	Hoskins
Davis	Howard
Davison of Fisher	Huddleston
Davisson	Hunt
of Eastland	Hunter
Dickison	Jackson
Dunagan	James
Dunlap of Hays	Jefferson

Jones of Atascosa	Reader
Jones of Falls	Quinn
Jones of Shelby	Reed of Bowie
Jones of Wise	Reed of Dallas
Keefe	Riddle
King	Roach of Angelina
Knetsch	Roach of Hunt
Lanning	Roane
Latham	Roark
Leath	Russell
Lemens	Rutta
Lindsey	Settle
Lotief	Shofner
Lucas	Smith
Luker	Steward
Mauritz	Stinson
McCalla	Stovall
McConnell	Tarwater
McFarland	Tennyson
McKinney	Thornton
Moffett	Tillery
Moore	Venable
Morris	Waggoner
Morrison	Walker
Morse	Wells
Newton	Westfall
Olsen	Wood of Harrison
Palmer	Wood of Montague
Patterson	Worley
Payne	Young
Pope	Youngblood

### Absent

Duvall	Lange
Dwyer	Petsch
Graves	Scarborough

### Absent—Excused

Bourne	Padgett
Caldwell	Roberts
Cooper	Rogers
Hyder	Sessions
Leonard	Spears
McKee	Stanfield
Nicholson	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"We thank Thee, our Heavenly Father, for the countless blessings to us personally, and we are glad that our State and our country are able of their abundance to minister to the needy. As we enter paths new to us, wilt Thou direct our ways that we may attain the best results of our work. In Christ's name. Amen."

### LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Bourne for today, on motion of Mr. Mauritz.

Mr. Spears for today, on motion of Mr. Dickison.

Mr. Stanfield for today, on motion of Mr. England.

Mr. Caldwell and Mr. Cooper for today, on motion of Mr. Good.

Mr. Hyder for today, on motion of Mr. Worley.

The following Members were granted leaves of absence on account of illness:

Mr. Rogers for today, on motion of Mr. McFarland.

Mr. McKee for today and the balance of the week, on motion of Mr. Hoskins.

Mr. Leonard for today, on account of a death in his family, on motion of Mr. Walker.

Mr. Roane for today, on motion of Mr. Thornton.

Mr. Padgett for today, on motion of Mr. Ford.

Mr. Roberts for today, on account illness in his family, on motion of Mr. McKinney.

Mr. Sessions for today, on motion of Mr. Tarwater.

Mr. Nicholson for today, on motion of Mr. Tarwater.

Mr. Jones of Atascosa temporarily for today, on motion of Mr. Davis.

(Mr. Morse in the Chair.)

#### HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Farmer:

H. B. No. 31, A bill to be entitled "An Act to authorize and direct the State Highway Commission and the State Treasurer to invest Three Million (\$3,000,000.00) Dollars out of the State Highway Fund, in certain State Warrants on the Texas Old Age Assistance Fund, and directing the reimbursement of the State Highway Fund out of the General and/or the Texas Old Age Assistance Fund as funds are available, together with interest thereon at the rate of two per cent per annum, making an appropriation to pay the said interest, and declaring an emergency."

Referred to the Committee on State Affairs.

#### EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Chair laid before the House and had read the following communication:

Austin, Texas, October 3, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Dear Mr. Stevenson:

The Travis County Young Democrats wish to express to you and to the House of Representatives their appreciation for your cooperation and support in making the Roosevelt-Garner Democratic Rally held in the House Chamber on September 30, 1936, a success.

We pledge you and the Members of the Legislature our support and best wishes.

Yours very truly,

Travis County Young Democrats.

JAMES R. BOYD, Chairman.

#### TO GRANT PERMISSION TO SUE THE STATE

Mr. Roane offered the following resolution:

H. C. R. No. 7, To grant Mrs. Eura Boulware permission to sue the State.

Whereas, Owen Boulware was employed by the Texas State Highway Commission and in the course of his said employment on or about the thirtieth day of May, 1936, on State Highway No. 6 in Waller County, Texas, about one mile north of Hempstead, Texas, received injuries which resulted in his death, which said injuries were caused by the turning over of a truck belonging to the State Highway Commission, and then being driven by the foreman of said highway construction work, said truck being turned over by the negligence and/or drunkenness of said driver, proximately resulting in the injuries sustained by said Owen Boulware and his death therefrom; and

Whereas, The said Owen Boulware is survived by his wife, Eura Boulware of Hempstead, Texas, and his fifteen-year-old son and they are entitled to file suit and recover damages sustained to them through the untimely loss of their husband and father and it is the purpose of this resolution to permit and grant them said right and authority; and

Whereas, The State Highway Department does not provide any insur-

ance or compensation benefits to its employees injured or killed in line of employment and the widow and son of said deceased employee should be permitted to sue the State and/or the Texas Highway Department and recover damages by reason of the loss of their husband and father; therefore, be it

Resolved by the House of Representatives of the State of Texas, That Eura Boulware individually and as next friend to her minor son

Boulware be and they are hereby given the right, permit and consent of the Legislature of the State of Texas and to file and prosecute suit or suits against the State of Texas and the State Highway Commission in the District Court of Waller, County, Texas, for her or their damages or injuries sustained by reason of the loss of their husband and father, Owen Boulware, an employee of the State Highway Department who was killed on or about the thirtieth day of May, 1936, about one mile north of the town of Hempstead in Waller County, Texas, on State Highway No. 6 by reason of the negligence, carelessness and/or drunkenness of the State Highway Department, foreman causing the truck, belonging to and the property of the State Highway Commission, the same being turned over and pinning the deceased, Owen Boulware, thereunder and crushing and breaking his limbs and body, inflicting external and internal injuries which caused his death; be it further

Resolved, That either the said plaintiff or the State or the State Highway Commission may appeal from any judgment rendered by this District Court of said Waller County, Texas, in the trial of said case; said appeal to be made by either party as provided by law, and upon a final judgment being recovered against the State or against the State Highway Commission, or against either or both the State and the State Highway Commission, the same shall be paid out of the State Highway funds; and, be it further

Resolved, That service of all necessary processes in said suit, herein authorized may be made upon the chairman of the State Highway Commission and the Attorney General in the same manner and with the same force and effect as in civil cases.

The crowded condition of the calendar and the importance of the sub-

ject matter of this resolution create an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule that all bills be read on three separate days in each House, and said Rule is hereby suspended and this resolution shall take effect from and after its passage, and it is enacted.

The resolution was read second time, and was referred by the Chair to the Committee on State Affairs.

#### TO REQUEST GOVERNOR TO SUBMIT CERTAIN SUBJECT

Mr. Quinn offered the following resolution:

H. C. R. No. 8, To request Governor to submit subject of amending the dove law.

Whereas, The Forty-fourth Legislature at its Regular Session made an error in amending the dove law which is a great injustice to the people of the South Zone as it prohibits citizens of the South Zone from shooting doves before December 1st, while it permits citizens in the North Zone to shoot doves in September and October; and

Whereas, Due to the fact that by December 1st the doves in the South Zone have gone to the woods or disappeared altogether, and the citizens are thereby denied the privilege and pleasure of shooting doves at all; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That we earnestly request Governor James V. Allred to submit to us at this, the Third Called Session of the Forty-fourth Legislature, the subject of amending the dove law so that we will have the opportunity of correcting a grave injustice that has been done to the citizens of the south half of Texas.

QUINN,  
BUTLER of Brazos,  
MORSE.  
WALKER,  
CALVERT,  
THORNTON,  
CELAYA.

The resolution was read second time.

Mr. Reed of Bowie moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—87

Adamson	Huddleston
Aikin	Hunter
Adkins	James
Alexander	Jones of Falls
Alsup	Jones of Wise
Ash	Keefe
Atchison	King
Bradbury	Lanning
Bradford	Latham
Bridgers	Leath
Broadfoot	Lemens
Broyles	Lindsey
Burton	Lotief
Butler of Karnes	Lucas
Cagle	Mauritz
Calvert	McConnell
Collins	McFarland
Colquitt	Moffett
Cowley	Moore
Craddock	Morris
Crossley	Newton
Daniel	Palmer
Davis	Patterson
Davison of Fisher	Reed of Bowie
Davison	Reed of Dallas
of Eastland	Roach of Angelina
Dunagan	Roach of Hunt
Dunlap of Hays	Roark
England	Settle
Fain	Shofner
Farmer	Smith
Ford	Stovall
Frazer	Tarwater
Fuchs	Tennyson
Gibson	Tillery
Good	Venable
Gray	Waggoner
Hanna	Wells
Hardin	Westfall
Harper	Wood of Harrison
Harris of Archer	Wood of Montague
Harris of Dallas	Worley
Head	Young
Holland	Youngblood
Hoskins	

## Nays—23

Bergman	Knetsch
Butler of Brazos	Luker
Celaya	Morse
Dickison	Olsen
Dunlap of Kleberg	Pope
Glass	Quinn
Hartzog	Russell
Herzik	Rutta
Hill	Steward
Hofheinz	Thornton
Howard	Walker
Jackson	

## Present—Not Voting

Canon	Hodges
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## Absent

Colson	Jones of Shelby
Duvall	Lange
Dwyer	McCalla
Fisher	McKinney
Fox	Payne
Graves	Petsch
Greathouse	Reader
Hankamer	Riddle
Hunt	Roane
Jefferson	Scarborough
Jones of Atascosa	Stinson

## Absent—Excused

Bourne	Nicholson
Caldwell	Padgett
Cooper	Roberts
Hyder	Rogers
Leonard	Sessions
McKee	Spears
Morrison	Stanfield

TO PROVIDE FOR COMMITTEE TO  
INVESTIGATE CONDITIONS  
EXISTING IN STATE  
INSTITUTIONS FOR  
INSANE

The Chair laid before the House, for consideration at this time, resolution offered by Mr. Hofheinz on last Friday, to provide for a committee to investigate conditions existing in State Institutions for Insane.

The resolution having been read second time on last Friday.

Mr. Canon moved that the resolution be referred to the Committee on Eleemosynary and Reformatory Institutions.

Mr. Hofheinz moved to table the motion to refer the resolution.

The motion to table was lost.

Question recurring on the motion to refer the resolution to the Committee on Eleemosynary and Reformatory Institutions, it prevailed.

EXPRESSING SYMPATHY TO HON.  
HARRY LEE McKEE

Mr. Knetsch offered the following resolution:

Whereas, The Hon. Harry Lee McKee, Member of the House of Representatives, while on his way returning to Austin on September 29th, suffered serious injuries from an automobile collision; and

Whereas, He has been in the hospital ever since and is still in a serious condition; and

Whereas, The said Hon. Harry Lee McKee has heretofore been a faithful,

energetic and conscientious worker in the House of Representatives; and

Whereas, We regret exceedingly the fact that he has sustained such injuries and is unable to attend the sessions of this Legislature and regret that we have been deprived of his counsel and able assistance on matters governmental; now, be it therefore

Resolved by the House of Representatives, That we hereby express to the Hon. Harry Lee McKee and his family our sincere regrets in this time of trouble, and trust that he will soon be able to be up and attend the sessions of this Legislature; and, be it further

Resolved, That flowers be sent to the hospital where he is now located; and, be it further

Resolved, That the Chief Clerk of the House of Representatives send a copy of this resolution to the Hon. Harry Lee McKee forthwith, and that a committee consisting of three members be appointed to attend Mr. McKee in San Antonio.

KNETSCH,  
HOSKINS,  
HARTZOG,  
ATCHISON,  
WOOD of Montague,  
FRAZER.

The resolution was read second time.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Bergman, Bourne, Bradbury, Bradford, Bridgers, Broadfoot, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Kleberg, Dunlap of Hays, Duvall, Dwyer, England, Fain, Farmer, Fisher, Ford, Fox, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harper, Harris of Archer, Harris of Dallas, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Wise, Jones of Shelby, Jones of Falls, Jones of Atascosa, Keefe, King, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch,

Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Hunt, Roach of Angelina, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Worley, Young and Youngblood.

On the motion of Mr. Canon, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

#### RELATIVE TO CERTAIN ROAD BONDS

The Chair laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 4, Relative to certain road bonds.

Whereas, Some question has arisen as to the intention of the Legislature in the enactment of Chapter 13, Acts of 1932 of the Third Called Session of the Forty-second Legislature of Texas, and Chapter 136, Acts of 1933 of the Forty-third Legislature of Texas, Regular Session; and

Whereas, It was the intention of the Legislature that said Act should include all road bonds issued by any county, district, or precinct, within the State, whether said road bonds are eligible to participate in the county and road district highway fund; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That it was the intention of the Legislature in enacting said above named Acts to include within the provisions thereof all road bonds issued by any county, district, or precinct, within the State, whether or not said road bonds are eligible to participate in the county and road district highway fund, and that it was the intention of the Legislature to constitute the State Treasurer as ex-officio treasurer for said counties, districts, and precincts in the payment of all road bonds and to appropriate out of the treasury all moneys deposited therein, or which may be hereinafter deposited therein, by any county, road district, or precinct for the payment of principal or interest or both of any or all road bonds whether the same par-

ticipate in said county and road district highway fund or not.

The resolution was read second time.

On motion of Mr. Aikin, the resolution was referred to the Committee on Highways and Motor Traffic.

#### TO GRANT PERMISSION TO SUE THE STATE

The Chair laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 5, To grant E. A. Schlick, et al., permission to sue the State.

Whereas, E. A. Schlick; Mrs. Annie Beeson, a feme sole; J. L. Baggett and wife, Mrs. J. L. Baggett; A. F. Schlick and wife, Mrs. A. F. Schlick; Ida Schlick, a feme sole; A. C. Dubose and wife, Maggie Dubose; Alfred Mercer and wife, Martha Jane Mercer; J. F. Jurica and wife, Mrs. J. F. Jurica; C. W. Mason; Mrs. Nannie Smith, a feme sole; and O. E. Wendel and wife, Annie Wendel, and each of them, own lands situated in Gonzales County, Texas; and

Whereas, In 1933-34, A. D., the State Highway Department re-routed State Highway Number 29, South of Gonzales, Texas, for a distance of approximately one (1) mile and constructed State Highway Number 112 South and West of State Highway Number 29 across the Guadalupe River Valley and the Relief Valley of the Guadalupe River; and

Whereas, Over the timely protest of numerous Gonzales County landowners, including several of the above named persons, that portion of State Highway Number 29 which was re-routed, was placed on a high road dump or grade with allegedly inadequate and insufficient openings through which the flood waters moving down the Guadalupe River Valley might pass; and a part of State Highway No. 112 across the Guadalupe River Valley was likewise constructed on a high road dump or grade with a low grade or spillway approximately Two Thousand (2,000) feet in length between the Cross Timber and Stahl Lake through which flood waters moving down the Guadalupe River Valley would allegedly be concentrated by the high road dump or grade on the remainder of State Highway Number 112 and on that portion of State Highway Number 29 which was re-routed; and

Whereas, In June, 1935, A. D., and in July, 1936, A. D., the Guadalupe River Valley South of Gonzales, Texas, was flooded and the natural flow of the flood waters was impelled by the high road dump or grade of State Highways Numbers 29 and 112; and the flood waters were, therefore, concentrated when they passed through the inadequate and insufficient openings in said State Highway Number 29 and particularly were they concentrated when they passed over the low grade or spillway on State Highway Number 112; and

Whereas, As a result of the re-routing and construction of State Highways Numbers 29 and 112, the lands of each of the persons whose names are above set forth, are heavily damaged and/or destroyed by the overflow of flood waters and by the concentration of said flood waters on and over their land in June, 1935, A. D., and in July, 1936, A. D.; and

Whereas, Article I, Section 17, of the Constitution of the State of Texas, provides that, "No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person"; and

Whereas, None of the above named landowners have been compensated by the State of Texas or the State Highway Department, or otherwise, for the damage to or the destruction of his or her lands; and each of said landowners desires to establish a claim against the State of Texas and the State Highway Department for his or her damages resulting from the re-routing of State Highway Number 29, and the construction of State Highway Number 112; now therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said E. A. Schlick; Mrs. Annie Beeson, a feme sole; J. L. Baggett and wife, Mrs. J. L. Baggett; A. F. Schlick and wife, Mrs. A. F. Schlick; Ida Schlick, a feme sole; A. C. DuBose and wife, Maggie DuBose; Alfred Mercer and wife, Martha Jane Mercer; J. F. Jurica and wife, Mrs. J. F. Jurica; C. A. Mason; Mrs. Nannie Smith, a feme sole; and O. E. Wendel and wife, Annie Wendel, and each of them, their executors, administrators and heirs, be and they and each of them, are hereby given the permission and consent of the Legis-

lature of the State of Texas, to file and prosecute suit or suits against the State of Texas and the State Highway Commission in any court or courts of competent jurisdiction in Travis County, Texas, for his or her damage or injuries resulting from the re-routing of a part of State Highway Number 29 and/or the construction of State Highway Number 112 through Gonzales County, Texas, and the concentration of the flood waters resulting therefrom; and, be it further

Resolved, That in the event judgment is recovered against the State and/or the State Highway Commission, the State and said Commission may appeal from said judgment, as provided by law, without executing any bond, and upon a final judgment being recovered against said defendants, or either of them, the same shall be paid out of the State Highway funds; and, be it further

Resolved, That service of all necessary processes may be had upon the Chairman of the State Highway Commission and the Attorney General with the same force and effect as in civil cases.

The crowded condition of the calendar and the importance of the subject matter of this resolution, create an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule that all bills be read on three separate days in each House, and said Rule is hereby suspended and this resolution shall take effect from and after its passage, and it is so enacted.

The resolution was read second time, and was referred by the Chair to the Committee on State Affairs.

(Mr. Dunagan occupied the Chair temporarily.)

(Mr. Morse in the Chair.)

#### HOUSE BILL NO. 11 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 11, A bill to be entitled "An Act to create an Unemployment Insurance System for the State of Texas; creating an Unemployment Compensation Fund; providing for collections, deposits, and investments of such funds; providing for withdrawals; providing for custody, and

management of such funds in certain contingencies; etc., and declaring an emergency."

The bill was read second time.

Mr. Latham offered the following committee amendments to the bill:

Amend paragraph (d) of Section 13 by striking out the entire third sentence beginning with the word, "If during any one calendar week" and inserting in lieu thereof the following:

"If during any one calendar week an individual has rendered services for two or more employers, his benefits shall be chargeable for such week against any such employer in proportion to the amount of wages paid him by such employer during such week."

LATHAM,  
QUINN.

Amend paragraph (a) part 1, of Section 25, line 4, by striking out the following words, "an employer" and inserting in lieu thereof the following:

"One or more employers."

LATHAM,  
QUINN.

Amend paragraph (4) of Section 25, line 27, by striking out the following words, "One or more," and inserting in lieu thereof the following: "any one or more."

LATHAM,  
QUINN.

The amendments were severally adopted.

Mr. Quinn offered the following amendment to the bill:

Amend House Bill No. 11, page 22, of the printed bill, Section 18, by striking out all after the word "Texas" in line 18 down to and including line 39, and insert in lieu thereof the following:

"The commission shall consist of three (3) members, one of whom shall be the State Labor Commissioner, one of whom shall be the State Comptroller of Public Accounts, and the other of whom shall be the Chairman of the State Board of Control, who shall serve without compensation."

On motion of Mr. Davisson of Eastland, the amendment was tabled.

Question—Shall House Bill No. 11 pass to engrossment?

# INVITING MR. GEORGE W. STIMPSON TO ADDRESS THE HOUSE

Mr. Hofheinz offered the following resolution:

Whereas, Texas, and more particularly, Austin, is being honored by the presence of Mr. George W. Stimpson, President of the National Press Publications, and an outstanding Washington correspondent, who is a correspondent for the Houston Post and a contributor to the State Week and other state publications; and

Whereas, Mr. Stimpson is a recognized authority on American political history, and probably has more knowledge on detailed news of American Government and particularly the present administration than any other staff correspondent; and

Whereas, Mr. Stimpson is the author of many authoritative reference works including "Nuggets of Knowledge" and "Uncommon Knowledge"; and

Whereas, By virtue of his own initiative and association he is thoroughly acquainted with the aspects of the present national campaign; therefore, be it

Resolved by the House of Representatives, That we extend the privileges of the floor during this session to Mr. Stimpson, and that we extend to him an invitation to address this body at 2:00 p. m. o'clock Monday, October 5, 1936, on a subject of his own choosing.

The resolution was read second time, and was adopted unanimously.

## COMMITTEE APPOINTED TO VISIT HON. HARRY LEE McKEE

Hon. W. E. Pope moved that the Chair appoint a committee of three Members of the House of Representatives to visit Hon. Harry Lee McKee, who is ill in a hospital in San Antonio.

The motion prevailed.

The Chair accordingly announced the appointment of the following committee:

Hon. F. E. Knetsch, Hon. Conde R. Hoskins and Hon. Frank Wood.

## RECESS

On motion of Mr. Olsen, the House at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by Hon. Emmett Morse.

## ADDRESS BY MR. GEORGE W. STIMPSON

In accordance with the provisions of a resolution by Mr. Hofheinz, adopted by the House on this morning, inviting Mr. George W. Stimpson, President of the National Press Publications, to address the House, the Chair announced the appointment of Hon. Roy Hofheinz, Hon. Albert K. Daniel and Hon. A. S. Broadfoot, as a committee to escort Mr. Stimpson to the Speaker's stand.

Mr. Stimpson having been escorted to the Speaker's stand by the committee, the Chair presented Hon. Roy Hofheinz of Harris County, who in turn introduced Mr. George W. Stimpson.

Mr. Stimpson then addressed the House.

## HOUSE BILL NO. 11 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 11, to create an Unemployment Insurance System for Texas.

The bill having been read second time on this morning.

Mr. Quinn offered the following amendment to the bill:

Amend House Bill No. 11, Section 18 (c), page 23 of the printed bill, by striking out all in lines 10, 11, 12 and 13, after the word "salaries" and insert in lieu thereof the following:

"Each commissioner shall be paid for his services as commissioner while attending meetings of the Commission and while going to and from his place of residence the sum of Ten (\$10.00) Dollars per day from the Unemployment Compensation Administration Fund together with actual expenses of not more than five (5c) cents per mile traveling expenses and not more than Seven and 50/100 (\$7.50) Dollars per day for room and meals while away from his place of residence on official business; each commissioner shall be limited to one hundred and twenty (120) days in any one year."

Mr. Davisson of Eastland moved to table the amendment.



Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called on the above motion, and the vote announced as follows:

## Yeas—47

Ash	Jackson
Bradford	Jones of Falls
Broadfoot	Jones of Wise
Broyles	Latham
Calvert	Leath
Collins	Lemens
Cowley	Lotief
Crossley	Lucas
Davisson	McConnell
of Eastland	McFarland
Dickison	Moffett
Dwyer	Morris
England	Newton
Farmer	Patterson
Fisher	Reader
Ford	Roach of Angelina
Fuchs	Roach of Hunt
Gibson	Roark
Glass	Rutta
Hankamer	Stinson
Hartzog	Tillery
Hofheinz	Walker
Howard	Wells
Hunter	Youngblood

## Nays—42

Adamson	Huddleston
Adkins	Hunt
Aikin	Lanning
Alsup	Luker
Bergman	Mauritz
Bradbury	Moore
Burton	Olsen
Butler of Karnes	Palmer
Cagle	Petsch
Canon	Quinn
Colquitt	Reed of Bowie
Craddock	Settle
Fain	Smith
Good	Steward
Graves	Stovall
Gray	Thornton
Hardin	Venable
Harper	Waggoner
Harris of Archer	Westfall
Herzik	Wood of Harrison
Hodges	Worley

## Absent

Alexander	Colson
Atchison	Daniel
Bridgers	Davis
Butler of Brazos	Davison of Fisher
Celaya	Dunagan

Dunlap of Hays	Knetsch
Dunlap of Kleberg	Lange
Duvall	Lindsey
Fox	McCalla
Frazer	McKinney
Greathouse	Morse
Hanna	Payne
Harris of Dallas	Pope
Head	Reed of Dallas
Hill	Riddle
Holland	Russell
James	Scarborough
Jefferson	Shofner
Jones of Shelby	Tarwater
Keefe	Tennyson
King	Young

## Absent—Excused

Bourne	Nicholson
Caldwell	Padgett
Cooper	Roane
Hoskins	Roberts
Hyder	Rogers
Jones of Atascosa	Sessions
Leonard	Spears
McKee	Stanfield
Morrison	Wood of Montague

Mr. Quinn raised a point of order, that there was not a quorum present.

The Chair sustained the point of order.

Mr. Reader moved a call of the House for the purpose of securing a quorum, and the call was duly ordered.

On motion of Mr. Reed of Bowie, the Sergeant-at-Arms was instructed to bring in all absent Members within the city who are not ill.

The roll of the House was again called and the following Members were present:

Adamson	Cowley
Adkins	Craddock
Aikin	Crossley
Alsup	Daniel
Ash	Davis
Bergman	Davison of Fisher
Bradbury	Davisson
Bradford	of Eastland
Bridgers	Dickison
Broadfoot	Dunagan
Broyles	Dunlap of Hays
Burton	Dwyer
Butler of Brazos	Fain
Butler of Karnes	Farmer
Cagle	Fisher
Calvert	Ford
Canon	Fox
Collins	Fuchs
Colquitt	Gibson

Glass	Morris
Good	Morrison
Graves	Morse
Gray	Newton
Hankamer	Olsen
Hanna	Palmer
Hardin	Patterson
Harper	Payne
Harris of Archer	Petsch
Harris of Dallas	Pope
Hartzog	Quinn
Herzik	Reader
Hodges	Reed of Bowie
Hofheinz	Reed of Dallas
Howard	Roach of Angelina
Huddleston	Roach of Hunt
Hunt	Roark
Hunter	Rutta
Jackson	Settle
Jones of Falls	Shofner
Jones of Shelby	Smith
Jones of Wise	Steward
Keefe	Stinson
King	Stovall
Lanning	Tarwater
Latham	Thornton
Leath	Tillery
Lemens	Venable
Lotief	Waggoner
Lucas	Walker
Luker	Wells
Mauritz	Westfall
McConnell	Wood of Harrison
McFarland	Worley
Moffett	Youngblood
Moore	

## Absent

Alexander	James
Atchison	Jefferson
Celaya	Knetsch
Colson	Lange
Dunlap of Kleberg	Lindsey
Duvall	McCalla
England	McKinney
Frazer	Riddle
Greathouse	Russell
Head	Scarborough
Hill	Tennyson
Holland	Young

## Absent—Excused

Bourne	Padgett
Caldwell	Roane
Cooper	Roberts
Hoskins	Rogers
Hyder	Sessions
Jones of Atascosa	Spears
Leonard	Stanfield
McKee	Wood of Montague
Nicholson	

A quorum was announced present.

Question again recurring on the motion to table the amendment by Mr. Quinn, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—66

Alsup	Hunter
Ash	Jackson
Bradford	Jones of Falls
Bridgers	Jones of Shelby
Broadfoot	Jones of Wise
Broyles	Keefe
Butler of Brazos	King
Cagle	Latham
Calvert	Leath
Collins	Lucas
Cowley	McConnell
Crossley	McFarland
Daniel	Moffett
Davis	Morris
Davisson	Newton
of Eastland	Patterson
Dickison	Payne
Dunagan	Reader
Dwyer	Reed of Dallas
England	Roach of Angelina
Farmer	Roach of Hunt
Fisher	Roark
Ford	Rutta
Fuchs	Shofner
Gibson	Stinson
Glass	Stovall
Good	Tarwater
Gray	Tillery
Hankamer	Waggoner
Harper	Walker
Harris of Archer	Wells
Harris of Dallas	Worley
Hartzog	Youngblood
Hofheinz	

## Nays—40

Adamson	Huddleston
Aikin	Lanning
Atchison	Lemens
Bergman	Lotief
Bradbury	Luker
Burton	Mauritz
Butler of Karnes	Moore
Canon	Morrison
Colquitt	Olsen
Craddock	Palmer
Davison of Fisher	Pope
Dunlap of Hays	Quinn
Fain	Reed of Bowie
Fox	Settle
Graves	Smith
Hanna	Steward
Hardin	Thornton
Herzik	Venable
Hodges	Westfall
Howard	Wood of Harrison

## Absent

Adkins	Celaya
Alexander	Colson

Dunlap of Kleberg	Lange
Duvall	Lindsey
Frazer	McCalla
Greathouse	McKinney
Head	Petsch
Hill	Riddle
Holland	Russell
Hunt	Scarborough
James	Tennyson
Jefferson	Young
Knetsch	

## Absent—Excused

Bourne	Nicholson
Caldwell	Padgett
Cooper	Roane
Hoskins	Roberts
Hyder	Rogers
Jones of Atascosa	Sessions
Leonard	Spears
McKee	Stanfield
Morse	Wood of Montague

## REASON FOR VOTE

I am in favor of eliminating unnecessary commissions, and strongly opposed to the creation of new commissions when same can be avoided. But the theory is advanced that the expenses of House Bill No. 11, will be largely paid by the Federal Government, and too, that the magnitude of the bill will require more time and consideration than some of the other departments, in which the administration of this Act could be placed, will be able to give.

## McCONNELL.

On motion of Mr. Reader, the Call of the House was extended to 5:00 o'clock p. m., today.

Mr. Bradbury and Mr. Quinn offered the following amendment to the bill:

Amend House Bill No. 11, page 23 of the printed bill, Section 18 (c), lines 10 to 13, inclusive, by striking out all in said lines after the word "salaries", and insert in lieu thereof the following:

"Each commissioner shall be paid from the Unemployment Compensation Administration Fund a fixed monthly salary of Three Hundred (\$300.00) Dollars per month."

QUINN,  
BRADBURY.

Mr. Davisson of Eastland moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment, it was adopted.

Mr. Lanning offered the following amendment to the bill:

Strike out section 18 of House Bill No. 11 and insert the following:

"This Act shall be administered by the Department of Labor. The Commission of Labor shall be empowered to employ such help as is necessary to put the provision of this Act into full effect, subject to the approval of the Appropriations Committee of the House of Representatives in the regular appropriation bill."

LANNING,  
MAURITZ.

On motion of Mr. Jefferson, the amendment was tabled.

Mr. Hankamer offered the following amendment to the bill:

Amend House Bill No. 11, page 5, by adding a new Section at the end of Section 1, between lines 27 and 28, said new Section to be numbered Section 2, and by renumbering succeeding Sections accordingly, said new Section 2 to read as follows:

"Section 2. Wherever in this Act there appear provisions for the levying and collection of taxes and/or contributions from employers of labor the same shall be construed as applying solely to such taxes and/or contributions required of employers of labor under the Federal Social Security Act with regard to Unemployment Compensation or Insurance and shall not at any time be construed as being a separate and independent levy of such a tax or requirement of contribution on or from employers of labor for such purposes by the State of Texas."

The amendment was adopted.

Mr. Hankamer offered the following amendment to the bill:

Amend House Bill No. 11, by adding a new Section, page 34, between lines 7 and 8, to be numbered 26, and by renumbering succeeding Sections accordingly, said new Section 26 to read as follows:

"Section 26. It is hereby declared to be the specific intent of the Legislature of the State of Texas in enacting this law that the Unemployment Compensation Commission created and established by this Act shall not, in any event, exist for a period of time longer than the existence of the similar Commission created by the Congress of the United States; nor shall the taxes and contributions paid

hereunder for the purposes and uses provided in this Act be levied and collected by Texas for a longer period of time than the levying and collection of said taxes and contributions for said purposes by the Government of the United States of America."

HANKAMER,  
AIKIN.

The amendment was adopted.

Mr. Ash moved the previous question on the amendments on the Speaker's desk and the passage of House Bill No. 11 to engrossment, and the motion was not seconded.

Mr. Gibson offered the following amendment to the bill:

Amend House Bill No. 11, by striking out of Section 3, subdivision (c), page 7, line 25, the following words, "or any rule or regulation thereunder."

The amendment was adopted.

Mr. Aikin offered the following amendment to the bill:

Amend House Bill No. 11, page 24, by striking out all of lines 13, 14, 15, 16, and to the word "All" in line 17, and inserting in lieu thereof the following: "Subject to the other provisions of this Act, the Commission is authorized to appoint and prescribe the duties and powers of such officers temporarily and at the convening of the Forty-fifth Legislature the same shall be set out in the general appropriation bill by the Legislature."

The amendment was adopted.

Mr. Fain offered the following amendment to the bill:

Amend House Bill No. 11 by striking out all of Section 28 and insert in lieu thereof the following:

"Section 28. The fact that Texas has no unemployment insurance system to supplement the Federal Social Security Program creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and the Rule is hereby suspended and this Act shall be in force from and after its passage, and it is so enacted."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 11 was then passed to engrossment by the following vote:

Yeas—96

Adamson	Jones of Falls
Adkins	Jones of Shelby
Ash	Jones of Wise
Bradbury	Keefe
Bradford	King
Bridgers	Lanning
Broadfoot	Latham
Broyles	Leath
Butler of Brazos	Lemens
Butler of Karnes	Lotief
Calvert	Lucas
Collins	Mauritz
Colquitt	McCalla
Crossley	McConnell
Daniel	McFarland
Davis	Moffett
Davison of Fisher	Moore
Davisson	Morris
of Eastland	Morrison
Dickison	Newton
Dunagan	Olsen
Dunlap of Hays	Patterson
Dwyer	Payne
England	Reader
Fain	Reed of Bowie
Farmer	Reed of Dallas
Fisher	Roach of Angelina
Ford	Roach of Hunt
Fuchs	Roark
Gibson	Rogers
Glass	Russell
Gray	Rutta
Hankamer	Settle
Hanna	Shofner
Hardin	Smith
Harris of Archer	Stinson
Harris of Dallas	Stovall
Hartzog	Tarwater
Head	Tennyson
Herzik	Thornton
Hodges	Tillery
Hofheinz	Waggoner
Holland	Walker
Howard	Wells
Huddleston	Wood of Harrison
Hunter	Worley
Jackson	Young
James	Youngblood
Jefferson	

Nays—22

Aikin	Fox
Alsup	Good
Atchison	Graves
Bergman	Harper
Burton	Hunt
Cagle	Lindsey
Canon	Luker
Celaya	Palmer
Craddock	Petsch

Pope	Venable
Steward	Westfall
Absent	
Alexander	Knetsch
Colson	Lange
Cowley	McKinney
Dunlap of Kleberg	Morse
Duvall	Quinn
Frazer	Riddle
Greathouse	Scarborough
Hill	Wood of Montague
Hoskins	

## Absent—Excused

Bourne	Nicholson
Caldwell	Padgett
Cooper	Roane
Hyder	Roberts
Jones of Atascosa	Sessions
Leonard	Spears
McKee	Stanfield

HOUSE BILL NO. 11 ON THIRD  
READING

Mr. Davisson of Eastland moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 11 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—100

Adamson	Farmer
Adkins	Fisher
Alsup	Ford
Ash	Fuchs
Atchison	Gibson
Bradbury	Glass
Bradford	Gray
Broadfoot	Hankamer
Broyles	Hanna
Butler of Brazos	Hardin
Butler of Karnes	Harris of Archer
Cagle	Harris of Dallas
Calvert	Hartzog
Canon	Herzik
Collins	Hodges
Colquitt	Hofheinz
Crossley	Holland
Daniel	Howard
Davis	Huddleston
Davison of Fisher	Hunter
Davisson	Jackson
of Eastland	James
Dickison	Jefferson
Dunagan	Jones of Falls
Dunlap of Hays	Jones of Shelby
Dwyer	Jones of Wise
England	Keefe
Fain	Lanning

Latham	Roark
Leath	Rogers
Lemens	Rutta
Lotief	Settle
Lucas	Shofner
Mauritz	Smith
McCalla	Steward
McConnell	Stinson
McFarland	Stovall
Moffett	Tarwater
Moore	Tennyson
Morris	Thornton
Morrison	Tillery
Newton	Venable
Olsen	Waggoner
Palmer	Walker
Patterson	Wells
Payne	Westfall
Reader	Wood of Harrison
Reed of Bowie	Worley
Reed of Dallas	Young
Roach of Angelina	Youngblood
Roach of Hunt	

## Nays—13

Aikin	Harper
Bergman	Hunt
Burton	Lindsey
Craddock	Luker
Fox	Pope
Good	Russell
Graves	

## Absent

Alexander	Hoskins
Bridgers	King
Celaya	Knetsch
Colson	Lange
Cowley	McKinney
Dunlap of Kleberg	Nicholson
Duvall	Petsch
Frazer	Quinn
Greathouse	Riddle
Head	Scarborough
Hill	Wood of Montague

## Absent—Excused

Bourne	Morse
Caldwell	Padgett
Cooper	Roane
Hyder	Roberts
Jones of Atascosa	Sessions
Leonard	Spears
McKee	Stanfield

The Chair then laid House Bill No. 11 before the House on its third reading and final passage.

The bill was read third time.

Mr. Pope raised a point of order, on further consideration of the House Bill No. 11, on the ground that the bill

violates certain constitutional provisions.

The Chair overruled the point of order.

Mr. Dunlap of Hays moved that further consideration of House Bill No. 11 be postponed until 10:00 o'clock a. m., next Monday, October 12.

Mr. Jefferson moved to table the motion by Mr. Dunlap of Hays.

The motion to table prevailed.

House Bill No. 11 was then passed by the following vote:

#### Yeas—101

Adamson	Holland
Adkins	Huddleston
Alexander	Hunter
Ash	Hyder
Atchison	Jackson
Bradbury	James
Bradford	Jefferson
Bridgers	Jones of Falls
Broadfoot	Jones of Shelby
Broyles	Jones of Wise
Butler of Karnes	Keefe
Butler of Brazos	Lanning
Cagle	Latham
Calvert	Leath
Collins	Lemens
Colquitt	Lotief
Colson	Lucas
Cowley	Mauritz
Daniel	McCalla
Davis	McConnell
Davison of Fisher	McFarland
Davison	Moffett
of Eastland	Moore
Dickison	Morris
Dunagan	Morrison
Dunlap of Kleberg	Newton
Dwyer	Olsen
England	Palmer
Fain	Patterson
Farmer	Payne
Fisher	Quinn
Ford	Reader
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Glass	Roach of Hunt
Gray	Roark
Hankamer	Rogers
Hanna	Rutta
Hardin	Settle
Harper	Shofner
Harris of Archer	Smith
Harris of Dallas	Stinson
Hartzog	Stovall
Head	Tarwater
Herzik	Tennyson
Hodges	Thornton
Hofheinz	Tillery

Waggoner  
Walker  
Wells  
Westfall

Wood of Harrison  
Worley  
Young  
Youngblood

#### Nays—21

Aikin  
Alsup  
Bergman  
Burton  
Canon  
Celaya  
Craddock  
Crossley  
Dunlap of Hays  
Fox  
Good

Graves  
Howard  
Hunt  
King  
Lindsey  
Luker  
Pope  
Russell  
Steward  
Venable

#### Absent

Duvall	Nicholson
Frazer	Petsch
Greathouse	Riddle
Hill	Roach of Angelina
Hoskins	Roane
Knetsch	Scarborough
Lange	Wood of Montague
McKinney	

#### Absent—Excused

Bourne	Morse
Caldwell	Padgett
Cooper	Roberts
Jones of Atascosa	Sessions
Leonard	Spears
McKee	Stanfield

#### REASON FOR VOTE

I do not favor this character of legislation and am voting for the bill only for the reason that Texas people are forced to pay the tax and it is necessary to have a set up to preserve this tax for Texas people.

COLQUITT.

(Speaker in the Chair.)

#### HOUSE BILL NO. 14 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 14, A bill to be entitled "An Act providing for the transfer of Twenty-five Thousand (\$25,000) Dollars from the Securities Act Fund to the Texas Old Age Assistance Fund; providing that the balance, remaining after such transfer, may be used by the Secretary of State; and declaring an emergency."

The bill was read second time.

Mr. Pope raised a point of order, on further consideration of the House Bill No. 14, on the ground that the subject matter contained in the bill has not been submitted by the Governor.

Mr. Cowley moved that House Bill No. 14 be recommitted to the Committee on State Affairs.

The motion prevailed.

#### TO GRANT PERMISSION TO SUE THE STATE

Mr. McFarland offered the following resolution:

H. C. R. No. 9, To grant the State Life Insurance Company of Indianapolis, Indiana, permission to sue the State.

Whereas, On January 19, 1928, the State Life Insurance Company of Indianapolis, Indiana, as owner and holder in due course of a note in the principal sum of \$3,000.00 secured by a deed of trust against the fee simple title to the Southeast Quarter of Section No. 148, Block "H" W&NW Ry. Company Survey, Hardeman County, Texas, by written agreement with W. E. Givens, the owner of said land, extended said note to February 1, 1933, and the maker of the note having defaulted in its payment at maturity the deed of trust was foreclosed and said company bought the land at sheriff's sale on December 4, 1934, and suffered a substantial loss in such foreclosure; and

Whereas, On February 21, 1929, W. E. Givens conveyed to Hardeman County a right of way across said land 100 feet wide for a public road without the permission of the said lienholder; and

Whereas, On or about February 19, 1935, said Insurance Company entered suit against Hardeman County in the District Court of said County in the form of trespass to try title and also under a second count sued for damages to said tract of land and for the value of said right of way; and

Whereas, Said public road was designated by the State Highway Commission as State Highway No. 51, which was later changed to State Highway No. 16 and is now a part of the State Highway System, of the State of Texas; and

Whereas, The State Life Insurance Company of Indianapolis, Indiana, has never been compensated for damages to said land which is alleged to be \$1164.42; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said Insurance Company be and it is hereby granted permission to sue the State Highway Commission of the State of Texas, and/or the State of Texas, in said suit in the District Court at Quanah, Texas, being cause No. 2326, styled "The State Life Insurance Company of Indianapolis, Indiana, vs. Hardeman County" on the docket of said Court, to determine what damage, if any, said company has suffered and what compensation, if any, it may be entitled to by reason of the establishment of said highway across said land; and, be it further

Resolved, That all necessary process may be had upon the Highway Commission by serving its Chairman, and upon the State of Texas by serving the Attorney General, and that the said suit be tried under the same rules and procedure as similar suits against private corporations, with the right of appeal to all parties. That no execution shall issue on any judgment recovered against either of the defendants here authorized to sue, but such judgment shall be paid by the Highway Commission.

McFARLAND,  
WALKER,  
TENNYSON.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

#### TO GRANT PERMISSION TO SUE THE STATE

Mr. Wells offered the following resolution:

H. C. R. No. 10, To grant T. G. Allen permission to sue the State.

Granting T. G. Allen of Navarro County, Texas, permission to maintain and prosecute suit against the State Highway Commission of Texas.

Whereas, Mr. T. G. Allen of Navarro County, Texas, owner of certain lands located in Navarro County, Texas, over and through which State Highway No. 22 runs, claims damages against the State Highway Department of Texas for injury and damage occasioned to his pasture, trees located therein, hay meadows, posts used in the fence around the pasture, and other properties, as a result of a fire

originating on the right-of-way of said highway opposite and adjacent to T. G. Allen's land and spreading therefrom on and over his lands on August 7, 1934; and

Whereas, T. G. Allen claims that the damages suffered by him as a result of said fire were directly and proximately caused by the negligence of the State Highway Commission and its employees in allowing grass and weeds on the right-of-way of said highway to attain a luxuriant growth and in cutting said grass and weeds during the month of June, 1934, and in permitting such grass and weeds so cut to remain on the right-of-way of said highway adjacent and opposite T. G. Allen's property during the dry summer season of 1934, and thereby creating and maintaining a fire hazard and menace to T. G. Allen's property and subjecting the said property to destruction in the event such grass and weeds became ignited; and

Whereas, T. G. Allen desires to file suit on his claim against the State Highway Commission for the damage alleged to have been proximately occasioned to him by reason of the negligence of the State Highway Commission and its employees; and

Whereas, The State Highway Commission and its engineers contend that said suit cannot be filed for said damages against said State Highway Commission without the permission of the Legislature of the State of Texas; and

Whereas, Although the Legislature of the State of Texas does not admit that the said plaintiff has a valid or just claim against the State Highway Commission, it is the sense of this Legislature that no citizen of this State who has a valid or just claim against the State Highway Commission or against the State of Texas, shall be deprived of his opportunity to establish or enforce such claim by reason of any constitutional inhibition; now, therefore, be it

Resolved by the House of Representatives, and the Senate concurring, That said T. G. Allen is hereby given and granted consent and permission to file and prosecute suit to final determination against the State Highway Commission of the State of Texas, as such Commission, in any court in Navarro County, Texas, having jurisdiction thereof, said suit being based upon damages to his pasture, trees located therein, hay meadows, posts

used in the fence around the pasture, and other properties, and said T. G. Allen is granted the right to maintain said suit to final judgment in Navarro County, State of Texas.

The resolution was read second time.

On motion of Mr. Alsop, the resolution was referred to the Committee on State Affairs.

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, (by unanimous consent) were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Quinn, Mr. Lotief and Mr. Reader:

H. B. No. 32, A bill to be entitled "An Act defining certain words, terms and phrases for the purposes hereof; providing and imposing an occupation tax on the first sale, distribution or use of carbon black in this State; providing certain exceptions; requiring distributors of carbon black to obtain a permit and file with the Comptroller of Public Accounts a surety bond or in lieu of bond to deposit in a Suspense Account in the State Treasury an amount of money equal to the amount of bonds required; regulating the issuance of such permits and providing for the suspension and revocation of permits issued; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Lotief:

H. B. No. 33, A bill to be entitled "An Act to amend Article 7058 of Title 122 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new Section to be numbered 7058a, providing that all individuals, companies, corporations, associations or partnerships owning, operating, managing or controlling any plant or process used in the manufacturing of milk into condensed or powdered form shall pay a gross receipt of one (1%) per cent; allocating one-fourth ( $\frac{1}{4}$ ) of the revenue so derived to the available School Fund and three-fourths ( $\frac{3}{4}$ ) to the available Old Age Assistance Fund, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.



**ADJOURNMENT**

Mr. James moved that the House recess to 10:00 o'clock a. m., tomorrow.

Mr. Wood of Harrison, moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Wood of Harrison, it prevailed, and the House accordingly,

at 4:30 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

**APPENDIX****STANDING COMMITTEE REPORT**

The Committee on Highways and Motor Traffic filed a favorable report on Senate Concurrent Resolution No. 4.

## In Memory of Senator Ernest Fellbaum

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Mr. Jefferson offered the following resolution:

Whereas, On Sunday afternoon, October 4th, 1936, Senator Ernest Fellbaum departed this life at his home on 209 E Park Ave., San Antonio, Texas; and

Whereas, Senator Fellbaum was elected to the State Senate in 1933 and served his constituents faithfully for a term of four years; and

Whereas, Our deepest and most heartfelt sympathy at this time of bereavement goes out to his family; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That we now express to the family of the deceased, our sincere sympathy in this hour of bereavement and that when the House adjourns today, it do so out of honor and respect to the memory of Senator Fellbaum and that copies hereof be furnished to the members of the family of the deceased, as well as a suitable floral offering.

JEFFERSON,  
READER,  
DICKISON,  
DWYER  
SPEARS.

The resolution was read second time.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Bergman, Bourne, Bradbury, Bradford, Bridgers, Broadfoot, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dunagan, Dunlap of Kleberg, Dunlap of Hays, Duvall, England, Fain, Farmer, Fisher, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Great-house, Hankamer, Hanna, Hardin, Harper, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jones of Wise, Jones of Shelby, Jones of Falls, Jones of Atascosa, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reed of Bowie, Reed of Dallas, Riddle, Roach of Hunt, Roach of Angelina, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Montague, Wood of Harrison, Worley, Young and Youngblood.

On the motion of Mr. Moffett, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.